

REMARKS:

Entry of the foregoing, reexamination and reconsideration of the subject application, as amended, pursuant to and consistent with 37 C.F.R. §1.112, are respectfully requested in light of the remarks which follow.

I. Examiner Interview

Applicants would like to thank the Examiner for the interview with Applicants' representative on October 28, 2008. During the interview, the publication date of the Morris et al. reference was discussed (*see below* for more detail).

II. Amendments to the Claims

In the foregoing amendment, claim 31 has been amended by adding reference to SEQ ID NO: 1. In addition, claims 43 and 44 have been canceled.

The amendments to the claims, including cancellation of claims, have been made without prejudice or disclaimer to any subject matter recited or canceled herein. Applicants reserve the right to file one or more continuation and/or divisional applications directed to any canceled subject matter. No new matter has been added, and entry of the foregoing amendments of the above-identified application are respectfully requested.

III. Response to Claim Objections

A. At pages 2-3 of the Office Action, claim 31 was objected to for failing to comply with the U.S. Patent and Trademark Office sequence rules. In particular, the Examiner has noted that claim 31 recites the polypeptide sequence KETWETWWTE without reciting the corresponding sequence identifier (*i.e.* SEQ ID NO: 1).

B. At page 4 of the Office Action, claims 43 and 44 were objected to as allegedly being of improper dependent form. Specifically, the Examiner stated that claims 43 and 44 are directed to a decapeptide (SEQ ID NO: 1) that has been excluded from claim 31, from which claims 43 and 44 depend.

As noted above, claim 1 has been amended to recite SEQ ID NO: 1, and claims 43 and 44 have been canceled. Accordingly, Applicants respectfully request reconsideration and withdrawal of the claim objections.

IV. Response to Claim Rejections Under 35 U.S.C. § 103(a)

At pages 4-5 of the Office Action, claims 31-53 were rejected under 35 U.S.C. § 103(a) as purportedly being unpatentable over Morris et al., J Biol Chem 274:24941-24946 (1999) in view of Korber et al., Los Alamos Nat'l Lab (1998).

In the Office Action, the Examiner acknowledged that the Morris et al. article was included in the August 27, 1999 issue of JBC, but also stated that because "many articles are mailed and received prior to their issue date," the article was deemed to be published more than one year before the effective U.S. filing date of the present application (August 25, 2000). However, in the October 28, 2008 interview, the Examiner stated that the U.S. Patent and Trademark Office research library (STIC) has now determined that the actual publication date of Morris et al. is August 26, 1999. Because Morris et al. does not qualify as prior art under 35 U.S.C. § 102(b), the Examiner agreed that Applicant's Declaration Under 37 C.F.R. § 1.132 establishing the reference as not "by another" (filed December 19, 2007; *see also* page 9 of the December 19, 2008 Amendment and Reply) should be sufficient to remove this reference. Thus, Applicants respectfully request reconsideration and withdrawal of this rejection.

CONCLUSION

In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited. In the event that there are any questions relating to this Supplemental Amendment and Reply, or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

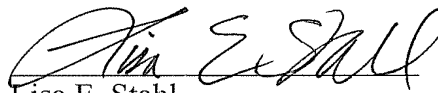
The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

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